

REMARKS

Claims 1-65 are pending.

Claims 1-65 stand rejected.

Claims 20, 27, 33, 40, 47 and 53 are amended herein. No new matter has been added.

Claim Rejections 35 USC 103

Claims 1-12, 20-31 and 40-59 stand rejected under 35 USC 103(a) according to Hsu (US 2003/0058488) in view of Chiu (US 2002/0118401).

The Examiner has acknowledged on page 3, first full paragraph, that the reference Hsu does not disclose either an optical scanner module that pushes the bottom surface of the transparent flat panel upward, or a flexible member that presses the top surface of the transparent flat panel downward as recited by claim 1. Instead, the Examiner suggests in the second full paragraph on page 3 that the newly cited reference Chiu discloses each of these features according to its Figure 6 and corresponding paragraphs 0028-0029.

The rejection is traversed. Whereas Applicant agrees that Hsu does not disclose the optical scanner module and flexible member as mentioned previously, Applicant respectfully disagrees that the deficiencies of Hsu are cured by the combination of Hsu with Chiu. Specifically, Chiu also fails to disclose the optical scanner module and flexible member recited by claim 1.

Figure 6 of Chiu illustrates a schematic view showing the light path of an optical scanning module 3 arranged beneath a document position plate 12. The scanning module 3 includes a focusing lens 33. According to paragraph 0028 of Chiu, the scanning module 3 may be moved in a first direction I substantially parallel to a focusing reference surface Y0 of the document position plate 12. Since the scanning module 3 in the first direction I is moving parallel to the focusing referencing surface Y0, it is incapable of pushing the bottom surface of a transparent panel upward. Instead, the first direction I provides the scanning module 3 with an ability to scan different portions of a document 2.

According to paragraph 0029 of Chiu, the scanning module 3 may be moved in a second direction II substantially perpendicular to the focusing reference surface Y0. The second direction II provides a means for the scanning module 3 to dynamically focus the focusing reference surface Y0. In order for the scanning module 3 to dynamically focus, both the focusing lens 33 and the scanning module 3 are moved closer to or further from the document position plate 12 with respect to the second direction II. However, Chiu never

describes or suggests that the scanning module 3 of Chiu comes into contact with the document position plate 12. In fact, the scanning module 3 of Chiu would be inoperative if the scanning module 3 pushed the document position plate 12. If the scanning module 3 were allowed to contact the document positioning plate 12 and push it upward, the focusing reference surface Y0 of the document position plate 12 would also be pushed upward. The focusing lens 33 would then be unable to dynamically focus on the focusing reference surface Y0 since there would be no relative change in distance between the focusing lens 33 and the focusing reference surface Y0 while the document plate 12 is being pushed upward.

Furthermore, neither paragraphs 0028 and 0029 nor Figure 6 of Chiu disclose or suggest any flexible member that presses the top surface of a transparent flat panel downward. Since the document position plate 12 is not pushed up, there is no need for a means of pressing it down. One skilled in the art would have no reason to understand Chiu to teach or suggest including a flexible member for pressing down on the document position plate 12 according to the scanning module 3 disclosed therein.

Since the optical scanner module and flexible member are not disclosed by Hsu or Chiu, alone or in combination, claim 1 is believed to be in condition for allowance as previously presented. Claims 8, 20 and 27 include one or both of the optical scanner module and flexible member, and are allowable for the same or similar reasons, in addition to the further novel features claimed therein. Claims 40, 47 and 52 include a means for pushing the bottom surface of the transparent flat panel toward the top lid, which is also not disclosed by any of the cited references for the same or similar reasons as discussed with respect to claim 1.

Claims 1-12, 20-31 and 40-59 are believed to be in a condition for allowance for the above reasons, for depending on allowable based claims, and for including further novel features as recited in each of the claims. Additional arguments in support for allowability of these claims as presented in the prior Response dated November 16, 2006 are incorporated herein for completeness of response.

Claim Rejections 35 USC 102

Claims 13-19, 32-39 and 60-69 stand rejected according to Hsu. The rejection is traversed, however the Applicant amends claims 60 and 65 to further clarify the subject matter and to facilitate bringing this case to allowance.

As Examiner has indicated the rejections identified in the June 9, 2006 Office Action have been withdrawn in view of Applicant's argument (page 2, section 2 of the March 19, 2007 Office Action), Applicant believes that it is improper to once again reject claims 13-19 based on the same 35 USC 102 reference of Hsu, using the same basis of rejection, and without addressing the arguments provided by Applicant at page 20, first four paragraphs, of the November 16, 2006 Response. In addition, the Examiner has already acknowledged on page 3, first full paragraph, that the reference Hsu does not disclose an optical scanner module that pushes the bottom surface of the transparent flat panel upward, as recited by independent claims 13 and 32. Applicant assumes, therefore, that the Examiner intended to address the rejection of claims 13-19 and 32-39 in the 35 USC 103 rejection of Hsu in view of Chiu, and that they were inadvertently included in the section 102 rejection. In either case, both Hsu and Chiu fail to disclose the optical scanner module of claims 13 and 32 alone or in combination, as previously discussed with respect to claim 1, such that either section 102 or section 103 are equally traversed.

Hsu does not disclose a method of pressing a bottom surface of the transparent flat panel so that it moves toward a top lid of a scanner by an optical scan module, as recited by amended claims 60 and 65. Figure 5 and paragraph 0025 of Hsu disclose a cover panel 1200 that is free to move towards or away from the transparent panel 1300. By the clear language of Hsu, it is the cover panel 1200, and not the transparent panel 1300 that is free to move; the transparent panel 1300 does not move toward the cover panel 1200. In addition, the arguments provided by Applicant at page 20, first four paragraphs, of the November 16, 2006 Response are herein incorporated, and the Examiner is requested to respond to these previous arguments of record if the rejection is nevertheless maintained.

Claims 13-19, 32-39 and 60-69 are believed to be in a condition for allowance for the above reasons, for depending on allowable based claims, and for including further novel features as recited in each of the claims.

Claims 20, 27, 33, 40, 47 and 53 have been amended to correct an inadvertent typographical error, replacing the word "patent" with "panel". The amendment of these claims is not believed nor intended to narrow the scope of these claims, and furthermore not made in view of nor to overcome any cited references.

CONCLUSION

For the foregoing reasons, reconsideration and allowance of claims 1-65 of the application as amended is requested. The Examiner is encouraged to telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

Respectfully submitted,

MARGER JOHNSON & McCOLLOM, P.C.

A handwritten signature in cursive script that reads "Bryan Kirkpatrick". The signature is written in black ink and is positioned above a horizontal line.

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